

## II. SUMMARY

### A. PROJECT UNDER REVIEW

This EIR has been prepared to evaluate the environmental impacts of the proposed North Main Street Development (NMSD) Project (project). A more detailed description of the proposed project is provided in Chapter III, Project Description. The project includes the following land uses:

- *City of Milpitas Community Library Project.* This project would involve the construction of a new library, and involve the rehabilitation of a historic grammar school building. The library facility would total approximately 60,000 square feet.
- *The Mid-Peninsula Housing Coalition Senior Housing Project.* The Mid-Peninsula Housing Coalition is proposing to construct up to 110 units in a senior housing development. The existing historic DeVries Home would be relocated on-site and incorporated into this development.
- *Santa Clara County Health Center Project.* The County of Santa Clara would develop a 60,000 square foot health care facility. This facility would be a multi-story building, and provide a range of medical services.
- *Proposed Retail, Banquet and Meeting Space.* The project would include the development of approximately 25,000 square feet of retail space and approximately 25,000 square feet of banquet and meeting space incorporated into the parking structures.
- *Parking, Streetscape, and Circulation Improvements.* The City is planning to construct several parking, streetscape, and circulation improvements. Improvements that are evaluated in this EIR include two parking structures with up to 800 parking spaces and energy conservation and production facilities, and several streetscape improvements to North Main Street, Winsor Avenue and Carlo Street.

### B. SUMMARY OF IMPACTS AND MITIGATION MEASURES

This summary provides an overview of the analysis contained in Chapter IV, Setting, Impacts and Mitigation Measures. CEQA requires a summary to include discussion of: 1) potential areas of controversy; 2) significant impacts; 3) recommended mitigation measures; and 4) alternatives to the proposed project.

#### 1. Potential Areas of Controversy

The potential areas of controversy surrounding the proposed project that were identified as part of the City's initial assessment, EIR scoping, and Notice of Preparation (NOP) process and are evaluated in Chapter IV of the EIR are listed below:

- Potential increase in traffic that would result from the development, site access, circulation, transit, and other transportation-related concerns.

- Potential impacts to the DeVries Home and Winsor Blacksmith Shop, in addition to potential archaeological and paleontological resources.
- Potential safety concerns with development adjacent to a rail corridor.

## 2. Significant and Less-than-Significant Impacts

Under CEQA, a significant impact on the environment is defined as: a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise and objects of historic or aesthetic significance.<sup>1</sup>

As discussed in Chapter IV of this EIR, implementation of the proposed project has the potential to result in adverse environmental impacts in several areas. Impacts associated with the following environmental topics would be significant without the implementation of mitigation measures, but would be reduced to a less-than-significant level if the mitigation measures recommended in this EIR are implemented:

- Aesthetics
- Hydrology and Water Quality
- Hazards
- Noise

Impacts associated with the following environmental topics would be considered less than significant and would not require any mitigation measures based on the identified criteria of significance:

- Land Use
- Population and Housing

## 3. Significant Unavoidable Impacts

As discussed in Chapters IV and VI of this EIR the proposed project would result in significant unavoidable impacts related to the following environmental topics:

- **Transportation, Circulation and Parking.** The addition of traffic from the proposed project under Cumulative Conditions would significantly exacerbate AM peak hour operations on four and PM peak hour on eight of the study roadway segments that are projected to operate at unacceptable levels under General Plan Build plus Midtown Milpitas Specific Plan Conditions, including the following:
  1. Calaveras Boulevard Westbound – Abel Avenue to Milpitas Boulevard (AM Peak Hour)\*
  2. Calaveras Boulevard Westbound – Milpitas Boulevard to Hillview Drive (AM Peak Hour)\*
  3. Calaveras Boulevard Westbound – Hillview Drive to I-680(AM Peak Hour)
  4. Abel Street Southbound – North Milpitas Boulevard to Calaveras Boulevard (AM Peak Hour)

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<sup>1</sup> CEQA Sections 21060.5 and 21068.

5. Main Street Northbound – Curtis Avenue to Carlo Street (AM Peak Hour)\*
6. Calaveras Boulevard Eastbound – I-880 to Abbott Avenue (PM Peak Hour)\*
7. Calaveras Boulevard Eastbound – Abbott Avenue to Abel Avenue (PM Peak Hour)\*
8. Calaveras Boulevard Eastbound – Abel Avenue to Milpitas Avenue (PM Peak Hour)
9. Calaveras Boulevard Eastbound – Milpitas Ave to Hillview Drive (PM Peak Hour)
10. Calaveras Boulevard Eastbound – Hillview Drive to I -680 (PM Peak Hour)\*
11. Abel Street Northbound – North Milpitas Boulevard to Calaveras Boulevard (PM Peak Hour)\*
12. Main Street Northbound – Montague Expressway to Abel Street (PM Peak Hour)
13. Main Street Northbound – Curtis Avenue to Carlo Street (PM Peak Hour)

\* The Midtown Milpitas Specific Plan EIR also identifies a significant impact at this intersection.

- **Air Quality.** Project-related regional emissions would exceed the BAAQMD thresholds of significance for ozone precursors.
- **Cultural Resources.** The following significant and unavoidable impacts related to cultural resources would result from implementation of the proposed project.

Implementation of the Senior Housing element of the NMSD Project would result in the relocation on-site of the DeVries Home and the destruction of the Home's contributing outbuildings and historic plantings. The DeVries Home, including contributing features, is a historical resource under CEQA.

Construction of the library and the Eastern Parking Garage adjacent to the Milpitas Grammar School, a historical resource under CEQA could have an adverse impact on the school's historical integrity.

Implementation of the Eastern Parking Garage of the NMSD Project would result in the demolition of the Winsor Blacksmith Shop, a historical resource under CEQA.

With identification of these significant unavoidable impacts, any project approval must be supported by a Statement of Overriding Considerations pursuant to Section 15093 of the *CEQA Guidelines*.

#### 4. Alternatives to the Project

The following alternatives to the NMSD Project are considered in this EIR:

- The **No Project/No Build alternative**, which assumes the continuation of existing conditions within the project site. This alternative would avoid most of the project's impacts.
- The **Reduce Build alternative**, which assumes a reduction in the size of most of the NMSD Project components. This alternative would reduce some of the project's impacts.
- The **Senior Center alternative**, which assumes the Milpitas Grammar School would be used as a Senior Center. This alternative would reduce some of the project impacts.

Of the three alternatives analyzed above, the No Project/No Build alternative would avoid most of the impacts that would result from implementation of the proposed project, including impacts related to cultural resources, transportation, and noise. Because the No Project/No Build alternative would not result in construction, no significant and unavoidable impacts would result. However, this alternative would not meet the majority of the project objectives. It would also not realize several of the beneficial impacts associated with the Reduced Build alternative and the Senior Center alternative, including the enhancement of community integrity, the development of an infill mixed-use project, and addition to the City's affordable housing stock. Each of these alternatives would also preserve a portion of the historic resources that would be impacted by the project. The remaining impacts would be very similar to the project impacts but could be mitigated to a less-than-significant level.

Development of either the Reduced Build or Senior Center alternatives would not result in any increased or additional physical impacts beyond those identified for the proposed project. Therefore, each of these alternatives do have elements that are environmentally superior to the proposed project. However, implementation of either alternative would not fully achieve the identified project objectives.

## **C. SUMMARY TABLE**

Table II-1 identifies the impacts and mitigation measures for the proposed project. The information in the tables is organized to correspond with environmental issues discussed in Chapter IV. The tables are arranged in four columns: 1) impacts; 2) level of significance prior to mitigation measures; 3) mitigation measures; and 4) level of significance after mitigation. For a complete description of potential impacts and recommended mitigation measures, please refer to Chapter IV.

**Table II-1: Summary of Impacts and Mitigation Measures**

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<b>A. Land Use</b>			
<i>There are no significant impacts related to land use.</i>			
<b>B. Population and Housing</b>			
<i>There are no significant impacts related to population and housing.</i>			
<b>C. Transportation, Circulation and Parking</b>			
<u>TRANS-1:</u> Implementation of the proposed NMSD Project would result in a significant traffic impact at the intersection of Abel Street/Marylinn Drive in the PM peak hour.	S	<u>TRANS-1:</u> A separate northbound right-turn lane shall be installed and a overlap phase shall be implemented for a westbound right-turn lane prior to occupancy of the new library. The lane additions will require some right-of-way acquisition from a parking lot located on the southeast corner of the intersection. In addition, provision of westbound overlap phase would preclude southbound U-turns at this intersection.  This mitigation would provide LOS D or better. This mitigation measure would reduce the impact at this intersection to a less-than-significant level.	LTS
<u>TRANS-2:</u> Implementation of the proposed NMSD Project would result in a significant traffic impact at the intersection of Main Street/Calaveras Boulevard (SR 237) Off-Ramp in the PM peak hour.	S	<u>TRANS-2:</u> Either of the following mitigation measures shall be implemented to mitigate this impact to a less-than-significant level.  (a) Installation of a traffic signal shall be investigated by City of Milpitas at the intersection and a separate southbound left-turn lane shall be installed on Main Street. If the City determines that a traffic signal is warranted, the developers shall pay a "fair share" cost towards the construction of the signal. The "fair share" cost will be determined by the City based on the magnitude of the project impacts	LTS

Table II-1 *continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
TRANS-2 <i>continued</i>		<p>(b) An <i>alternative mitigation</i> that could alleviate this impact is elimination of the proposed Eastern Parking Garage driveway on Main Street. The intersection would operate under LOS C without the driveway. With this mitigation, the intersection of Main Street/Weller Lane would still operate under acceptable LOS. This mitigation would exacerbate the need for a traffic signal at the South Main Street/Carlos Street/Calaveras Boulevard On-Ramp intersection (see Impact TRANS-3).</p> <p>Implementation of either mitigation measure (a) or (b) would mitigate this impact to a less-than-significant level.</p>	
<u>TRANS-3</u> : Implementation of the proposed NMSD Project would result in a significant traffic impact at the intersection of South Main Street/Carlo Street/Calaveras Boulevard (SR 237) On-Ramp in the PM peak hour.	S	<p><u>TRANS-3</u>: The City shall perform a complete signal warrant analysis at this location. If the City determines that a traffic signal is warranted, the developers shall pay a "fair share" cost towards the construction of the signal. The "fair share" cost is to be determined by the City based on the magnitude of the project impacts. Implementation of a traffic signal would mitigate this impact to a less-than-significant level.</p>	LTS
<u>TRANS-4</u> : The addition of traffic from the NMSD Project under Cumulative Conditions would significantly exacerbate AM peak hour operations on five roadway segments that are projected to operate at unacceptable levels without the project. During the PM peak hour, the NMSD Project is expected to significantly exacerbate operation on eight of the 35 study roadway segments. These changes are considered a significant impact.	S	<p><u>TRANS-4</u>: The City of Milpitas has planned to upgrade traffic signal interconnect and coordination along Calaveras Boulevard. Although this improvement would not reduce the project impacts to a less-than-significant level, it would reduce some congestion and improve traffic flow along Calaveras Boulevard.</p> <p>In addition to the planned signal improvements, the development of both the County Health Center and the provision of retail uses near the senior housing and the library would provide areawide transportation benefits. For example, patrons of the Santa Clara County Health Centers who reside in the City of Milpitas would reduce the length of their trips because they currently must travel to the next closest Health Center, which is currently located in the City of San Jose. These internalized trips to Milpitas would reduce travel over a broader geographic area and would help to reduce regional congestion on both Milpitas and San Jose roadways. In addition, the proposed retail uses would provide another option for new and existing residents in the area to obtain services without having to travel to other parts of the City, especially by car. It is noted that even with these benefits, the cumulative project impacts would remain at a significant level.</p>	SU

Table II-1 *continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
TRANS-4 <i>continued</i>		No mitigation measures beyond those identified in Mitigation Measures TRANS-1 through TRANS-3 are considered feasible for any of the cumulatively impacted roadway segments; however, historically the City has required development to pay its pro-rata share of improvement cost toward improvement on a project by project basis. All of those segments projected to operate at unacceptable levels under General Plan Buildout plus Midtown Milpitas Specific Plan Conditions would do so because no feasible mitigation measure can be implemented to increase vehicle capacity. All of those roadways are already built out and cannot be widened within the existing right-of-way. The secondary impacts of widening these roadways, which include right-of-way acquisition and demolition of existing buildings, are expected to result in a greater negative impact on the environment than accommodating the additional congestion. This impact is considered significant and unavoidable.	
<b>D. Air Quality</b>			
<u>AIR-1</u> : Activities associated with demolition, site preparation and construction would generate short-term emissions of criteria pollutants, including suspended and inhaleable particulate matter and equipment exhaust emissions.	S	<u>AIR-1</u> : Implementation of the following mitigation measures would reduce this impact to a less-than-significant level. <ul style="list-style-type: none"> <li>The basic and enhanced control measures listed in Table IV.D-8 shall be implemented during construction of the proposed project.</li> <li>Any temporary haul roads to the soil stockpile area shall be routed away from existing neighboring land uses. Any temporary haul roads shall be surfaced with gravel and/or regularly watered to control dust or treated with an appropriate dust suppressant.</li> <li>Water sprays shall be utilized to control dust when material is being added or removed from the stockpile. When the stockpile is undisturbed for more than one week, the storage pile shall be treated with a dust suppressant or crusting agent to eliminate wind-blown dust generation.</li> </ul>	LTS

Table II-1 *continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
AIR-1 <i>continued</i>		<ul style="list-style-type: none"> <li>All neighboring properties located within 500 feet of property lines shall be provided with the name and phone number of a designated construction dust control coordinator who will respond to complaints within 24 hours by suspending dust-producing activities or providing additional personnel or equipment for dust control as deemed necessary. The phone number of the BAAQMD pollution complaints contact shall also be provided. The dust control coordinator shall be on-call during construction hours. The coordinator shall keep a log of complaints received and remedial actions taken in response. This log shall be made available to City staff upon its request.</li> </ul> <p>The above mitigation measures include all feasible measures for construction emissions identified by the BAAQMD. According to the District's threshold of significance for construction impacts, implementation of the measures would reduce construction impacts of the proposed project to a less-than-significant level.</p>	
AIR-2: Project-related regional emissions would exceed the BAAQMD thresholds of significance for ozone precursors.	S	<p>AIR-2: The BAAQMD CEQA Guidelines document identifies potential mitigation measures for various types of projects. The following are considered to be feasible and effective in further reducing vehicle trip generation and resulting emissions from the project:</p> <ul style="list-style-type: none"> <li>Provide neighborhood-serving shops and services within or adjacent to residential development.</li> <li>Provide transit facilities (e.g., bus bulbs/turnouts, benches, shelters).</li> <li>Provide shuttle service to regional transit system or multimodal center.</li> <li>Provide shuttle service to major destinations such as employment centers, shopping centers and schools.</li> <li>Provide bicycle lanes and/or paths, connected to community-wide network.</li> <li>Provide sidewalks and/or paths, connected to adjacent land uses, transit stops, and/or community-wide network.</li> </ul>	SU



Table II-1 *continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
AIR-2 <i>continued</i>		<ul style="list-style-type: none"> <li>• Provide satellite telecommunication centers in large residential developments.</li> <li>• Provide secure and conveniently located bicycle and storage for residents.</li> <li>• Wire each housing unit to allow use of emerging electronic communication technology.</li> <li>• Implement feasible TDM measures including a ride-matching program, coordination with regional ridesharing organizations and provision of transit information.</li> </ul> <p>Implementation of the above mitigation measures would potentially reduce the regional vehicle emissions by up to 10 percent. However, it is anticipated that the NO<sub>x</sub> emissions would continue to exceed the BAAQMD's threshold. Therefore, the project's regional air quality impacts would remain significant.</p>	
<b>E. Noise</b>			
<p><u>NOISE-1</u>: Noise levels from construction activities may range up to 96 dBA L<sub>max</sub> at the nearest land uses to the construction site for limited time periods during the duration of construction for certain activities such as pile driving or the use of other heavy equipment.</p>	S	<p><u>NOISE-1</u>: The following measures shall be implemented during construction of each of the proposed projects:</p> <p>(a) Standard construction activities shall be limited to between 7:00 a.m. and 7:00 p.m. No construction activities shall be allowed on federal holidays.</p> <p>(b) To reduce daytime noise impacts due to construction, to the maximum feasible extent, the City shall require the applicant to develop a site-specific noise reduction program, subject to city review and approval, which includes the following measures:</p> <ul style="list-style-type: none"> <li>• Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the City in the event of problems;</li> <li>• An on-site complaint and enforcement manager shall be posted to respond to and track complaints;</li> </ul>	LTS

Table II-1 *continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
NOISE-1 <i>continued</i>		<ul style="list-style-type: none"><li>• A pre-construction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices are completed and in place prior to the issuance of a building permit (including construction hours, neighborhood notification, posted signs, etc.);</li><li>• Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible);</li><li>• Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used; this muffler can lower noise levels where feasible, which could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible; and</li><li>• Stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible.</li></ul> <p>Construction period impacts would still occur with implementation of the measures detailed above. However, because they would be short-term in duration, and the construction activities will be restricted to the hours listed in the Noise Ordinance, the City considers this a less-than-significant impact.</p>	

Table II-1 *continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<b>NOISE-2:</b> Train related noise from the Union Pacific Transportation Railroad rail line could impact the proposed library, health center, and senior housing located nearby.	S	<p><b>NOISE-2:</b> To meet the City's noise standards the following mitigation measures shall be incorporated:</p> <ul style="list-style-type: none"> <li>Building façade upgrades would be required for the library to meet the 45 dBA <math>L_{dn}</math> interior noise standard. The exterior wall of the proposed library shall be constructed to meet a Sound Transmission Class (STC) of 39 dBA. Once constructed, this wall assembly would provide a minimum of 36 dBA of noise attenuation. These façade upgrades or others would reduce the interior noise level to 45 dBA <math>L_{dn}</math> or less (<math>81 \text{ dBA} - 36 \text{ dBA} = 45 \text{ dBA}</math>).</li> <li>To achieve the indoor fresh-air ventilation requirements specified in Chapter 35 of the Uniform Building Code, the library, medical clinic, banquet facility, and the multifamily residences would require mechanical ventilation to ensure that windows can remain closed for a prolonged period of time.</li> </ul> <p>Implementation of the above mitigation measure would reduce the impact to a less-than-significant level.</p>	LTS
<b>NOISE-3:</b> Local traffic would generate long-term noise levels exceeding <i>Normally Acceptable</i> and <i>Conditionally Acceptable</i> noise levels within the vicinity of the NMSD Project site.	S	<p><b>NOISE-3:</b> To meet the City's interior noise standards the following mitigation measures shall be incorporated:</p> <ul style="list-style-type: none"> <li>To achieve the indoor fresh-air ventilation requirements specified in Chapter 35 of the Uniform Building Code, the senior housing, the library, the medical clinic, and the retail/banquet facility will require mechanical ventilation to ensure that windows can remain closed for a prolonged period of time.</li> </ul> <p>Implementation of the above mitigation measure would ensure that acceptable noise levels are achieved and reduce the impact to a less-than-significant level.</p>	LTS

Table II-1 *continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<u>NOISE-4:</u> Train related vibration from the Union Pacific Transportation Railroad rail line could impact the proposed library.	S	<p><u>NOISE-4:</u> To reduce the vibration impact on the proposed project site, the following mitigation measure shall be incorporated:</p> <ul style="list-style-type: none"> <li>• Prior to obtaining a building permit, the project applicant shall conduct a detailed analysis of the vibration generated by the existing railroad tracks at the proposed library site. Mitigation measures such as vibration isolation shall be incorporated into the project design if necessary.</li> </ul> <p>Implementation of the above mitigation measure would ensure that acceptable vibration levels are achieved and reduce the impact to a less-than-significant level.</p>	LTS
<b>F. Hydrology and Water Quality</b>			
<u>HYD-1:</u> Construction activities and post-construction site uses associated with the development of each element of the NMSD Project could result in degradation of surface water quality by reducing the quality of stormwater runoff.	S	<p><u>HYD-1:</u> Implementation of both of the following mitigation measures would reduce the level of significance of this impact to a less-than-significant level:</p> <p>(a) Each project proponent shall prepare a SWPPP designed to reduce potential degradation impacts to surface water quality through the construction period of the project. It is not required that the SWPPP be submitted to the RWQCB, but the SWPPP must be maintained on-site and made available to RWQCB staff upon request. The SWPPP shall include specific and detailed BMPs designed to mitigate construction-related pollutants. At minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.</p> <p>An important component of the stormwater quality protection effort is the knowledge of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of stormwater quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.</p>	LTS

Table II-1 *continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
HYD-1 <i>continued</i>		<p>BMPs designed to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control, that is, keeping sediment on the site. End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. If hydroseeding is selected as the primary soil stabilization method, then these areas shall be seeded by September 1 and irrigated as necessary to ensure that adequate root development has occurred prior to October 1. Entry and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions.</p> <p>(b) Post-construction, the City shall ensure that design of each project element includes features and operational Best Management Practices to reduce potential impacts to surface water quality associated with operation of the project. These features shall be included in the drainage plan and final development drawings for each project element. Specifically, the final design may include measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development. In general, passive, low-maintenance BMPs (e.g., grassy swales, porous pavements) are preferred over active filtering or treatment systems. If the design includes higher maintenance BMPs (e.g., sedimentation basins, hydrocarbon interceptors), then a maintenance plan shall be developed and implemented to inspect and maintain these features.</p>	

Table II-1 *continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
HYD-1 <i>continued</i>		<p>The NMSD Projects shall comply with the C3 provisions of the City of Milpitas NPDES Permit. These projects may be eligible for a partial waiver under the City's Stormwater C.3 waiver program.</p> <p>The City of Milpitas shall ensure that the SWPPP and drainage plan are prepared and adequate prior to approval of the grading plan.</p>	
<u>HYD-2</u> : Implementation of the NMSD Project could exacerbate existing drainage and localized flooding problems.	S	<p><u>HYD-2</u>: The City shall retain a qualified engineer to prepare a drainage plan for the proposed project improvements in accordance with the City's general Conditions of Approval requirements. As a condition of approval of the final grading and drainage plans for each element of the NMSD Project, it must be demonstrated that implementation of the proposed drainage plans would not exceed the capacity of project area drainage facilities. A storm drain maintenance plan that includes annual inspections of any bioswales, sedimentation basins, drainage ditches, and drainage inlets, and prompt removals of sediments and debris, as necessary, shall be submitted with the drainage plan.</p> <p>The grading and drainage plans shall be reviewed for compliance with these requirements by the City of Milpitas. Any improvements to the storm drainage system deemed necessary by the City will be incorporated into the conditions of approval for each individual project.</p>	LTS
<b>G. Hazards</b>			
<u>HAZ-1</u> : Implementation of the NMSD Project could expose construction workers and/or the public to hazardous materials from contaminants in soil during and following construction activities.	S	<p><u>HAZ-1</u>: Prior to the issuance of any grading, demolition, or building permits for the project site, a Risk Management Plan (RMP) shall be prepared for the project site. At a minimum, the RMP shall establish soil and groundwater mitigation and control specifications for grading and construction activities at the site, including health and safety provisions for monitoring exposure to construction workers, procedures to be undertaken in the event that previously unreported contamination is discovered, and emergency procedures and responsible personnel. The RMP shall also include procedures for managing soils and groundwater removed from the site to ensure that any excavated soils and/or dewatered groundwater with contaminants are stored, managed, and disposed of in accordance with applicable regulations and</p>	LTS

Table II-1 *continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
HAZ-1 <i>continued</i>		permits. The RMP shall describe groundwater monitoring wells that will be affected by the construction activities, provide procedures for the proper abandonment of those wells, and provide locations for replacement monitoring wells, if warranted. The RMP shall also include an Operations and Maintenance Plan component, to ensure that health and safety measures required for future construction and maintenance at the project site shall be enforced in perpetuity. The RMP shall be submitted to the Milpitas Fire Department for review and approval.	
<u>HAZ-2</u> : Implementation of the NMSD Project could hinder ongoing investigation and remediation of petroleum hydrocarbon and solvent contamination at a project site parcel.	S	<u>HAZ-2</u> : If development of the project occurs prior to regulatory case closure of the 130 Winsor Avenue site, SCCDEH/SCVWD approval shall be a condition of requirement for any demolition, grading, or construction permits on that property. Any requirements of SCCDEH, such as abandonment and/or replacement of groundwater monitoring wells, shall be incorporated as conditions of approval for the permit.	LTS
<u>HAZ-3</u> : Improper use or transport of hazardous materials during construction activities could result in releases affecting construction workers and the general public.	S	<u>HAZ-3</u> : The RMP for the project site shall include procedures for emergency incident response and the management and disposal of contaminated soils and groundwater (see Mitigation Measure HAZ-1, above). Use, storage, disposal, and transport of hazardous materials during construction activities shall be performed in accordance with existing local, State, and federal hazardous materials regulations. No additional mitigation is required.	LTS
<u>HAZ-4</u> : Development of the proposed project could expose construction workers and future residents to potentially hazardous concentrations of agricultural chemical residues in shallow soils.	S	<u>HAZ-4</u> : Prior to the issuance of grading or construction permits for the project site parcels west of North Main Street (APNs 22-08-041, 22-08-042, and 22-08-003), a qualified environmental professional shall conduct an environmental investigation at the project site in accordance with California Department of Toxic Substances Control (DTSC) Interim Guidance for sampling former agricultural fields (Interim Guidance). Based on the size of the site, the Interim Guidance specifies that a minimum of eight composite samples should be collected from shallow soils and analyzed for potential organic and inorganic agricultural chemical residues. As specified in the Interim Guidance, any detected	LTS

Table II-1 *continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
HAZ-4 <i>continued</i>		organic compounds or metals above naturally-occurring concentrations must be evaluated in a risk assessment, and additional remedial action such as soils removal may be required, depending on the results of the environmental investigation and risk assessment. Findings shall also be incorporated into the RMP for the project site (Mitigation Measure HAZ-1, above).	
<u>HAZ-5</u> : Demolition or renovation of structures containing lead-based paint, asbestos-containing building materials, and/or mold contamination could release airborne toxics, which may affect construction workers and the public.	S	<u>HAZ-5</u> : Implementation of this two-part measure would reduce this impact to a less-than-significant level:  (a) As a condition of approval for any demolition or renovation permit for a structure known or suspected to have been constructed prior to 1985, an asbestos and lead-based paint survey shall be performed. If asbestos-containing materials were determined to be present, the materials shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the Bay Area Air Quality Management District. If lead-based paint were identified, then federal and State construction worker health and safety regulations shall be followed during renovation or demolition activities. If loose or peeling lead-based paint were identified, they shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations.  (b) As a condition of any demolition or renovation permit for the former Senior Center Property (160 North Main Street), a qualified environmental professional shall be retained to investigate, evaluate, and remediate the mold contamination at the site, in accordance with guidelines in US EPA's "Mold Remediation in Schools and Commercial Buildings" (EPA Document 402-K-01-001). A final mold remediation report shall be produced to document the remediation and describe any maintenance measures required to prevent recurrence of the mold contamination. These maintenance measures shall be incorporated into conditions of approval for the construction or renovation permit.	LTS



Table II-1 *continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<b>H. Cultural and Paleontological Resources</b>			
<u>CULT-1</u> : Implementation of the Senior Housing element of the NMSD Project would result in the relocation on-site of the DeVries Home and the demolition of the Home's contributing outbuildings and plantings.	S	<p><u>CULT-1</u>: Prior to any relocation on site of the DeVries Home, each of the following measures shall be completed:</p> <ul style="list-style-type: none"> <li>• Produce a full set of HABS-style large format documentary photographs. A minimum of 20 views on 4- x 5-inch or larger format film shall be taken. The photographs shall be processed archivally, and copies of the photographs shall be deposited with the City of Milpitas, the Bancroft Library at the University of California, Berkeley; and the NWIC. The City will provide copies to the local library and the Milpitas Historical Society.</li> <li>• Prepare a history of the DeVries Home that incorporates oral history, documentary research, and architectural information. The City will submit the documentation to the NWIC and provide copies to the local library and the Milpitas Historical Society.</li> </ul> <p>The architectural and historical documentation shall treat the DeVries Home, the conifer trees, and the outbuildings (garage and tankhouse) as a historical complex rather than an aggregation of individual resources. The documentation shall take into account the interrelatedness of the contributing features and the home. Even with mitigation, the impacts associated with relocation of the DeVries Home would remain significant and unavoidable.</p>	SU
<u>CULT-2</u> : Construction of the library addition and the east parking garage adjacent to the Milpitas Grammar School could have an adverse impact on the school's historical integrity.	S	<p><u>CULT-2</u>: The design and construction of the library addition and the east parking garage shall follow the following basic design guidelines.</p> <ul style="list-style-type: none"> <li>• The average height of the parking garage and library addition shall not exceed the roofline height of the grammar school.</li> <li>• Any new structures shall not surround the grammar school on more than two sides.</li> <li>• Any new structures shall have a mass and scale that is compatible with the grammar school.</li> </ul>	LTS or SU

Table II-1 *continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
CULT-2 <i>continued</i>		<ul style="list-style-type: none"> <li>The design for the garage shall respect the school building's traditional design.</li> <li>Paint colors selected for the garage shall coordinate with those used for the school.</li> </ul> <p>If the final design meets the criteria listed above, this impact would be reduced to a less-than-significant level. If the criteria cannot be achieved, the impact would be significant and unavoidable.</p>	
<u>CULT-3</u> : Rehabilitation and reuse of the Milpitas Grammar School as part of implementation of the Library element of the NMSD Project could result in adverse impacts to the building's historic fabric.	S	<p><u>CULT-3a</u>: The Milpitas Grammar School will be rehabilitated in accordance with the Secretary's Standards.</p> <p><u>CULT-3b</u>: Prior to the rehabilitation of the Milpitas Grammar School, the building shall be documented to create a public record of the historical qualities that justify the school's National Register eligibility, and that will be available to researchers and the general public. Each of the following measures shall be completed:</p> <ul style="list-style-type: none"> <li>Produce a full set of HABS-style large format documentary photographs. A minimum of 20 views on 4- x 5-inch or larger format film shall be taken. The photographs shall be processed archivally, and copies of the photographs shall be deposited with the City of Milpitas, the Bancroft Library at the University of California, Berkeley; and the NWIC. The City will provide copies to the local library and the Milpitas Historical Society.</li> <li>Prepare a history of the Milpitas Grammar School that incorporates oral history, documentary research, and architectural information. The City will submit the documentation to the NWIC and provide copies to the local library and the Milpitas Historical Society.</li> </ul>	LTS
<u>CULT-4</u> : Implementation of the Library and Eastern Parking Garage element of the NMSD Project would result in the demolition of the Winsor Blacksmith Shop.	S	<u>CULT-4a</u> : After property acquisition the City shall offer the Winsor Blacksmith Shop for purchase to be removed from the property at the buyer's expense and transferred to a new lot within Milpitas. Title to the building shall be transferred subject to a covenant that requires preservation of the building's historic features.	SU

Table II-1 *continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
CULT-4 <i>continued</i>		<p><u>CULT-4b:</u> Should the City receive no bids for the Winsor Blacksmith Shop, or if building relocation is not feasible, the following documentation tasks shall occur:</p> <ul style="list-style-type: none"> <li>• Produce a full set of Historic American Building Survey (HABS)-style large format documentary photographs of the Winsor Blacksmith Shop, including its contributing features. A minimum of 20 views on 4- x 5-inch or larger format film shall be taken. The photographs shall be processed archivally, and copies of the photographs shall be deposited with the City of Milpitas, the Bancroft Library at the University of California, Berkeley; and the Northwest Information Center, Rohnert Park (NWIC). The City will provide copies to the local library and the Milpitas Historical Society.</li> <li>• Prepare a history of the Winsor Blacksmith Shop that incorporates oral history, documentary research, and architectural information. The City will submit the documentation to the NWIC and provide copies to the local library and the Milpitas Historical Society. .</li> <li>• Prepare a brochure describing the historical and architectural qualities of the Winsor Blacksmith Shop to be made available at local libraries and museums.</li> <li>• Salvage architectural elements and boards with brands from the Winsor Blacksmith Shop to incorporate into a display.</li> </ul> <p>The impact associated with demolition of the Winsor Blacksmith Shop would remain significant and unavoidable.</p>	

Table II-1 *continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<u>CULT-5:</u> Implementation of each element of the NMSD Project construction could result in impacts to archaeological deposits that may qualify as historical or archaeological resources under CEQA.	S	<u>CULT-5:</u> Any future ground disturbing activities on the project site shall be monitored by a qualified archaeologist to ensure that the accidental discovery of significant archaeological materials and/or human remains is handled according to <i>CEQA Guidelines</i> Section 15064.5 regarding discovery of archeological sites and burial sites, and <i>CEQA Guidelines</i> Section 15126.4(b) identifying mitigation measures for impacts on historic and cultural resources. Prior to construction monitoring, prefield research shall be conducted to understand the location, potential significance, and physical condition of deposits that may be encountered, and to facilitate the in-field assessment of such deposits. In the event that buried cultural remains are encountered, construction will be temporarily halted until a mitigation plan can be developed and implemented. If archaeological data recovery is undertaken, a report describing the methods and results of the investigation shall be prepared and submitted to the project applicant, City, and the NWIC.  Project personnel shall not collect or move any archaeological material. Fill soils that may be used for construction shall not contain archaeological materials.	LTS
<u>CULT-6:</u> Construction may disturb human remains, including those interred outside of formal cemeteries.	S	<u>CULT-6:</u> In the event that human remains are encountered, the developer shall: (1) halt work in the immediate area of the remains; (2) contact the Santa Clara County coroner and the City of Milpitas; and (3) contact an archaeologist to evaluate the situation and make recommendations. If the remains are of Native American origin, the coroner will contact the Native American Heritage Commission, which will in turn contact the appropriate Most Likely Descendent (MLD). The MLD will have the opportunity to make a recommendation for the respectful treatment of the Native American remains and related burial goods. The archaeologist shall recover all scientifically valuable information as appropriate, in accordance with the recommendations of the MLD. Following the archaeologist's evaluation, a report should be prepared to document the methods, findings, and recommendations of the archaeologist conducting the work. The report shall be submitted to the City, the project applicant, and the NWIC.	LTS

Table II-1 *continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<p><u>CULT-7:</u> Subsurface construction activities associated with each element of the NMSD Project may adversely impact paleontological resources.</p>	<p>S</p>	<p><u>CULT-7a:</u> If project subsurface construction is limited to a depth of <i>20 feet or less</i> below the ground surface, the following mitigation measure shall be implemented. If paleontological resources are encountered during project construction, all work within 50 feet of the discovery should be redirected until a qualified paleontologist is contacted to evaluate the finds and make recommendations. If the finds are found to be significant, they shall be avoided by project activities and recovered in accordance with the recommendations of the paleontologist. Upon completion of the recovery, the paleontologist shall address the need for paleontological monitoring of subsequent construction activities.</p> <p>After the recovery of the finds, a report documenting monitoring, methods, and findings shall be prepared by the paleontologist and submitted to the City, the project applicant, and a suitable fossil repository.</p> <p><u>CULT-7b:</u> If project subsurface construction occurs at depths <i>greater than 20 feet</i> below the ground surface, then the following mitigation measure shall be implemented. A paleontological assessment by a qualified paleontologist should be conducted to determine if monitoring for paleontological resources is required. The assessment shall include: (1) the results of any geotechnical investigation done for the project area; (2) specific details of the construction plans for the project area; (3) background research; and (4) limited subsurface investigation within the project area. If the possibility of paleontological resources is confirmed, a monitoring plan should be prepared and implemented in conjunction with this evaluation. Upon completion of the paleontological assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City and the project applicant.</p> <p>After the recovery of the finds and the completion of project construction, a report documenting monitoring, methods, and findings should be prepared by the paleontologist and submitted, along with a copy of the monitoring report, to the City, the project applicant, and a suitable fossil repository.</p>	<p>LTS</p>

Table II-1 *continued*

Environmental Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation
<b>I. Aesthetic Resources</b>			
<u>AES-1</u> : Implementation of the NMSD Project would create a new source of light and glare.	S	<u>AES-1</u> : Outdoor lighting shall be designed to minimize glare and spillover onto surrounding properties. The proposed project shall incorporate non-mirrored glass to minimize daytime glare.	LTS

Source: LSA Associates, Inc., 2004.